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China's Anti-Secession Law and Developments Across the Taiwan Strait

Just a few weeks ago, in February 2005, relations between Taipei and Beijing seemed to be improving rapidly. China-watchers in the US saw evidence of progress unmatched since the early 1990s. Direct flights across the Taiwan Strait during the Chinese New Year holiday were the most visible of a number of positive developments in the Taiwan Strait. Other important events included the attendance of officials from the People's Republic of China at the funeral of Taiwan's long-time cross-strait negotiator, Koo Chen-fu, and a joint statement issued by Taiwan's president, Chen Shui-bian, and a leading pro-unification politician, James Soong (Soong Chu-yu), in which Chen reiterated a promise to eschew moves toward formal independence. Given these encouraging signs, observers in the US were disappointed when cross-strait relations took a sharp turn for the worse in March, after China's National People's Congress passed an anti-secession law aimed at Taiwan.

The destructive consequences of the anti-secession law are obvious; however, the law need not signal a permanent return of cross-strait tensions. Although signs of improvement may be hard to see in the next few weeks, especially given the strong emotions the law has unleashed in Taiwan, if the two sides handle the issue wisely, it may be possible to set aside this unhappy episode and move relations in a more positive direction. As of early April, there is some evidence to suggest that both sides will, in fact, strive to transcend the damage wrought by the anti-secession law and return to a more positive mode of interaction.

The reactions the anti-secession law has provoked outside the People's Republic of China make it hard to avoid the judgment that the law was counterproductive:

- In Taiwan, it has unified the public and political leaders in opposition to Beijing. On March 26, hundreds of thousands of Taiwanese demonstrated for peace and against the law – including many who had never participated in such protests before. All of Taiwan's leading politicians have criticized the law. In the long run, the anti-secession law will fuel the perception that China is hostile to Taiwan, which may make it harder than ever for leaders to argue in favor of trusting Beijing and moving toward better cross-strait relations – much less unification.

- In the US, the anti-secession law undermined Beijing's claim that it is Taiwan – not the PRC – that seeks to change unilaterally the status quo in the Strait.
- Even in Europe, where defending Taiwan has less political currency than in the US, the anti-secession law turned an almost-certain PRC victory into an embarrassing defeat. Before the law was passed, the European Union was poised to lift its arms sales embargo – in place since the Tiananmen Crisis of 1989 – and begin allowing European weapons sales to the PRC. But the anti-secession law played into the hands of the embargo's defenders, who wondered how the EU could justify arming a country that was openly threatening to initiate military conflict against a neighbor. At least for the moment, opponents of weapons sales have won the day; further discussion of lifting the embargo has been postponed.

Given that the anti-secession law has damaged Beijing's relations with Taipei, the Washington and Brussels, one might well ask, why did the PRC take this action? US analysts have suggested a number of explanations, each of which probably contributed to PRC leaders' decision to some degree:

- International politics: The anti-secession law underscores Beijing's determination to prevent Taiwan from giving up on unification entirely. In so doing, it indicates to the international community that any countries that encourage Taiwan to pursue a more independent course are taking a heavy risk. The world is put on notice that any government that assists Taiwan in improving its international status is encouraging a dangerous trend. Beijing also hopes that by using a legalistic process to signal its intentions, foreign governments – many of which have been urging China to pay more attention to law – will be compelled to respect its position.
- PRC domestic politics: Hu Jintao, Wen Jiabao and other top leaders in the Chinese Communist Party see the anti-secession law as a way to demonstrate to the Chinese people and to the rest of the political elite that this generation of leaders will take a hard line on the Taiwan issue. Among the CCP leadership, it is risky to appear too "soft" or flexible toward Taiwan. PRC politicians' credibility depends on showing their comrades and compatriots that they are resolved never to "lose" Taiwan. The anti-secession law is a concrete action that Hu's government can point to as proof that it is doing something about the issue.
- Cross-strait politics: Clearly, a central goal of the anti-secession law is to intimidate Taiwan. Chinese leaders feel a need to intensify the pressure on Taiwan for both short and long-term reasons:

In the long run, there is a perception in mainland China that Taiwan is moving away, and the chances of unification are becoming slimmer. President Chen Shui-bian's reelection quashed Beijing's hope that his victory in the 2000 election was a fluke. The result forced the mainland leadership to consider the possibility that Chen represented real and perhaps dominant preferences on the island. The retreat from a strong pro-unification stance by the Blue parties (the Kuomintang and

People First Party) reinforced Beijing's anxiety about where public opinion and state policy are heading in Taiwan.

This anxiety is justified. Taiwan residents' desire for unification is at a low ebb. Surveys conducted over the past five years consistently show that fewer than five percent of Taiwanese support immediate unification. A more worrying trend for Beijing is the declining support for unification in the distant future – a position embraced by barely ten percent of Taiwanese. This is not to say that a conflict between Taiwan and the PRC is inevitable. Most Taiwanese are agnostic on the question of the island's long term future; the percentage supporting independence in the short term is only slightly higher than the percentage who support unification, and only about twenty percent say they want independence in the long term. However, Beijing's repeated threats against Taiwan are helping to erode support for eventual unification.

In the short run, Beijing's leaders were worried about the December legislative elections in Taiwan. Their greatest fear was that the Green parties – President Chen's Democratic Progressive Party and former President Lee Teng-hui's Taiwan Solidarity Union – would capture a legislative majority. That would give Chen legislative support to implement his preferred platform – which CCP leaders firmly believe includes strong action toward independence. Thus, the timing of the anti-secession law is best explained by Beijing's desire to have a weapon in place that would be able to prevent Chen and the Greens from taking Taiwan toward independence immediately after the election.

Beijing's predictions turned out to be wrong. Not only did the Greens not get a majority, they were not even able to deny the Blue parties a majority. Instead of freeing Chen to act on his (alleged) radical ideas, the election forced the president to enter into a dialogue with the Blues. Chen's behavior immediately after the election – including reaching out to appointing DPP moderate Frank Hsieh (Hsieh Chang-ting) as his premier and encouraging direct New Year flights – suggests that he interpreted the election as a rejection of political polarization and antagonism, both domestically and in the cross-strait realm. In view of these developments, which ultimately led Chen to work toward bridging the gaps between political parties in Taiwan and between Taiwan and the PRC in January and February, the passage of the anti-secession law in March seems especially unnecessary and injurious.

Reviewing this history, it is easy to conclude that passage of the anti-secession law is a wholly negative event. Some have suggested that cross-strait relations can never recover from this blow. Is the anti-secession law another step on a downward spiral, leading inexorably toward military conflict? Or can something positive be salvaged from this episode?

The anti-secession law need not be “the beginning of the end” in cross-strait relations. First, if Taiwan's government handles the issue skillfully – and to date, it has – the anti-secession law could become an opportunity to strengthen relations with the PRC and with the international community. The key will be for Taiwan's leaders to resist the temptation to retaliate in ways that escalate the conflict, while at the same time allowing Taiwanese citizens to vent their feelings of fear, anger and injured pride. Resisting that

temptation will require Taiwan's politicians to set aside the opportunity to use the anti-secession law to drum up political support. Fortunately, there are no major elections in Taiwan for three years, which diminishes the likelihood that the anti-secession law will become a political football.

A second cause for cautious optimism is the possibility that leaders in Beijing may be using the anti-secession law to pacify hardliners in the PRC in the hope of opening a space for negotiations with Taiwan. For the past several years, cross-strait relations have been stymied by Beijing's imposition of preconditions that President Chen refuses to meet – above all, the demand that Chen accept the “One China Principle.” Dialogue will begin when the two sides find a way to circumvent that roadblock. It may be that the anti-secession law is a fierce mask behind which a gentler face is lurking. If the law buys the acquiescence of China's hardliners in a more relaxed strategy for cross-strait dialogue, it could go down in history as laying the groundwork for a new era in the Taiwan Strait.